

36 (amended). A method for providing bags for packaging meat product of varying size comprising:

- 13
- a) determining the size of the meat product to be packaged;
 - b) selecting a first or second lay-flat thermoplastic film tube from a first or second film roller respectively, the first lay-flat thermoplastic film tube having a width different from the second lay-flat thermoplastic film tube;
 - c) determining the length of the first or second lay-flat thermoplastic film tube to be advanced;
 - d) advancing the determined length of the first or second lay-flat thermoplastic film tube;
 - e) transversely sealing the advanced lay-flat thermoplastic film tube;
 - f) cutting the sealed film tube to form a bag; and
 - g) dispensing the bag.

REMARKS

Claims 25 to 31, and 34 to 36 are in the application.

Claim 25, 27 to 30, and 36 have been amended.

In paragraphs 1 and 2 of the Office Action, claims 25 to 30, and 34 to 36 were rejected under 35 U.S.C. §103(a) as unpatentable over Melville (US 5,816,990) in view of Ginestra et al. (US 5,655, 356). Applicants respectively traverse to the extent this rejection may be applied to the claims as amended.

Applicants generally agree with the characterization of Melville as it appears in paragraph 2 of the Office Action. However, paragraph 2 states that

Melville does not show the concept of using different supply webs to accommodate different size articles *as claimed*.

(emphasis added)

Although applicants agree that Melville does not show the concept of using different supply webs to accommodate different size articles, applicants do not agree that this is what is claimed. What is claimed is (claim 25):

- a) a first film roller, the film roller holding a first lay-flat thermoplastic film tube of a first width;

- b) a second film roller, the film roller holding a second lay-flat thermoplastic film tube of a second width,
wherein the first film width is different from the second film width;
- c) a means for selecting the first or second lay-flat thermoplastic film tube based on the size of the meat product to be packaged;
- d) a means for selecting a length of the first or second lay-flat thermoplastic film tube based on the size of the meat product to be packaged;
- e) a means for remotely sensing the size of the meat product to be packaged;
and
- f) a means for sealing and cutting the first or second lay-flat thermoplastic film tube after it has been selected, the means for sealing and cutting comprising:
 - i) a means for transporting the first or second lay-flat thermoplastic film tube;
 - ii) a means for making a transverse seal in the first or second lay-flat thermoplastic film tube;
 - iii) a means for cutting the sealed lay-flat thermoplastic film tube to make a bag; and
 - iv) a means for dispensing the bag.

Thus, the lack of teaching of Melville should not be stated as simply not showing "the concept of using different supply webs to accommodate different size articles", because, although this is true, it is not germane to the actual, and specific, claim language now under review. It is more accurate, and more germane to the issue of patentability, to state that what Melville does not teach are at least the following elements, each of them claimed in claim 25:

- a second film roller, the film roller holding a second lay-flat thermoplastic film tube of a second width, wherein the first film width is different from the second film width;
- a means for selecting the first or second lay-flat thermoplastic film tube based on the size of the meat product to be packaged; and
- a means for selecting a length of the first or second lay-flat thermoplastic film tube based on the size of the meat product to be packaged.

Melville shows none of these.

Ginestra et al. teaches the use of *paper* withdrawn from different rolls. Thus, neither reference discloses *at least two rollers, each holding a lay-flat thermoplastic film tube*.

Ginestra et al. shows a means for wrapping boxes with paper. *No bag is produced*.

Independent claim 36 defines a method for providing bags for packaging product of varying size. The method includes the steps of determining the size of the meat product to be packaged; selecting a first or second lay-flat thermoplastic film tube from a first or second film roller respectively, the first lay-flat thermoplastic film tube having a width different from the second lay-flat thermoplastic film tube; determining the length of the first or second lay-flat thermoplastic film tube to be advanced; advancing the determined length of the first or second lay-flat thermoplastic film tube; transversely sealing the advanced lay-flat thermoplastic film tube; cutting the sealed film tube to form a bag; and dispensing the bag.

Neither Melville nor Ginestra et al. discloses the steps of:

- selecting a first or second lay-flat thermoplastic film tube from a first or second film roller respectively, the first lay-flat thermoplastic film tube having a width different from the second lay-flat thermoplastic film tube;
- determining the length of the first or second lay-flat thermoplastic film tube to be advanced; or
- advancing the determined length of the first or second lay-flat thermoplastic film tube.

Neither reference discloses at least two lay-flat thermoplastic film tubes; and Ginestra does not form or dispense a bag.

The Office Action concludes that

[i]t would have been obvious to one of ordinary skill in the art at the time of the invention to provide Melville with plural web and control means as taught by Ginestra et al. to expedite the manufacturing process to accommodate different sized products.

Applicants respectfully disagree. No motivation has been demonstrated for combining the Melville and Ginestra references. Melville shows a length adjusting means, and this is his way of dealing with differences in product length. The skilled artisan in equipment for the meat packaging art (the art with which both Melville and the current application are primarily concerned, see Melville e.g. at column 12, lines 6 to 9) would have no motivation to seek ways of accommodating different sized products, because Melville al-

ready offers a system to do this with respect to bag length (see e.g. column 2, lines 8 to 27), and the skilled artisan is not invited to even look farther for any alternative design. However, even if the artisan were to look for an improved system, Ginestra, which teaches the use of paper to wrap a box, would be unsuited to the requirements of packaging meat. Meat is packaged in thermoplastic bags. Ginestra uses paper, not thermoplastics, and does not make a bag. Only the benefit of hindsight, after a review of the present application, can suggest to the skilled artisan to make the combination that would result in applicants' claimed invention.

In paragraph 3 of the Office Action, claim 31 was rejected under 35 U.S.C. §103(a) as unpatentable over Melville (US 5,816,990) in view of Ginestra et al. (US 5,655, 356) as applied to the claims above and further in view of Crowley et al. (US 5,328,438) . Applicants respectively traverse to the extent this rejection may be applied to the claims as amended, relying on the above comments, and noting that claim 31 is dependent on claim 25.

Applicants respectfully ask that the claims as amended, and discussion of the invention be carefully considered, and that the claims as amended be allowed.

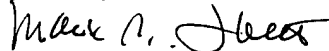
Attached hereto is a marked-up version of the changes made to the specification and/or claims by this amendment. The attached page is captioned "Version with markings to show changes made".

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Date

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Version with markings to show changes made

The claims were amended as follows:

25 (twice amended). A system for packaging meat products of varying size comprising:

- a) a first film roller, the film roller holding a first lay-flat thermoplastic film tube of a first width;
- b) a second film roller, the film roller holding a second lay-flat thermoplastic film tube of a second width,
wherein the first film width is different from the second film width;
- c) a means for selecting the first or second lay-flat thermoplastic film tube based on the size of the meat product to be packaged;
- d) a means for selecting a length of the first or second lay-flat thermoplastic film tube based on the size of the meat product to be packaged;
- e) a means for remotely sensing the size of the meat product to be packaged;
and
- f) a means for sealing and cutting the first or second lay-flat thermoplastic film tube after it has been selected, the means for sealing and cutting comprising:
 - i) a means for transporting the first or second lay-flat thermoplastic film tube;
 - ii) a means for making a transverse seal in the first or second lay-flat thermoplastic film tube;
 - iii) a means for cutting the sealed lay-flat thermoplastic film tube to make a bag; and
 - iv) a means for dispensing the bag.

27 (amended). The system of claim 25 comprising a means for inputting capable of enabling a user of the system to use the means for selecting the first or second lay-flat thermoplastic film tube based on the size of the meat product to be packaged.

28 (amended). The system of claim 25 comprising a means for inputting capable of enabling a user of the system to use the means for selecting a length of the first or

second lay-flat thermoplastic film tube based on the size of the meat product to be packaged.

29 (amended). The system of claim 25 comprising a means for remotely sensing to determine the size of the meat product to be packaged, and a means to control the means for selecting the first or second lay-flat thermoplastic film tube based on the size of the product to be packaged.

30 (amended). The system of claim 25 comprising a means for remotely sensing to determine the size of the meat product to be packaged, and a means to control the means for selecting a length of the first or second lay-flat film tube based on the size of the meat product to be packaged.

36 (amended). A method for providing bags for packaging meat product of varying size comprising:

- a) determining the size of the meat product to be packaged;
- b) selecting a first or second lay-flat thermoplastic film tube from a first or second film roller respectively, the first lay-flat thermoplastic film tube having a width different from the second lay-flat thermoplastic film tube;
- c) determining the length of the first or second lay-flat thermoplastic film tube to be advanced;
- d) advancing the determined length of the first or second lay-flat thermoplastic film tube;
- e) transversely sealing the advanced lay-flat thermoplastic film tube;
- f) cutting the sealed film tube to form a bag; and
- g) dispensing the bag.